IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 18430 of 2004

Between:

Rudrapati Ramana Rao, S/o Penchala Naidu.
Nellore District Rice Millers Association, H.No. 3/377, Laxmipuram, Nellore, Nellore District.

..... PETITIONER

AND

1. The District Consumer Redressal Forum at Nellore, rep. by its

President/Incharge President.
2. G. Dayakar, Advocate/Commissioner & Election Officer,
Nellore District Rice Millers Assn. 3/377, Laxmipuram, Nellore,

Nellore District.
3. A.P. State Consumer Dispute Redressal Commission, Hyderabad.
4. State of A.P, rep. by its Principal Secretary,
Civil Supplies Department, Secretariat, Hyderabad.
5. Sri Kunjeti Hanumantha Rao, Sri Prassananjaneya Raw & Boiled

Rice Mill, Alipuram, Nellore District.
6. Sri Kancherla Perapa Naidu, Sri Sangameswara Raw & Boiled Rice

Mill, Alipuram, Nellore.
7. Sri K.V. Satyanarayana, Kiran Rice Mill, Kavali, Nellore District.
8. P. Adiseshaiah, Sri Kameswari Raw & Boiled Rice Mill,
Poti Reddi Palem, Kovvur Mandal, Nellore District.
9. D. Narendra Reddy, Sri Rajyalakshmi Raw & Boiled Rice Mill,

Jagadevipet, Indukurpet Mandal, Nellore District.
10.Sri M. Venkateswara Rao, Sri Sankar Rice Mill,
Peda Cherukuru, Nellore Rural Mandal, Nellore District.
11 The Andhra Bank Ltd, rep. by its Branch Manager,
Stonehouse Peta Branch, Nellore.
12 The District Registrar of Assurances, Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction in the nature of certiorari calling for the records relating to I.A.No. 218/2004 in C.D.No. 149 of 2004 dt. 22-9-2004 and I.A.No. 222/2004 in C.D.No. 149/2004 dt. 29-9-2004 and quash the same and issue consequential directions restraining the Consumer District Redressal Forum, Nellore from passing further order in I.A.No. 218/2004 in CD.No. 149/2004 and also restraining the 2nd respondent from conducting election for the Nellore District Rice Millers Association, Nellore in pursuance of election notice dt. 28-9-2004 issued by the 2nd respondent and also restraining the Andhra Bank, Stone House Peta, Nellore Branch from paying Rs. 50,000/- to the 2nd respondent in the interest of justice as otherwise the petitioners will be put to irreparable loss and injury.

Counsel for the Petitioner: MR.P.V.KRISHNAIAH

Counsel for the Respondents 1,3 & 4: GP FOR CIVIL SUPPLIES

Counsel for Respondents 5 & 6: Mr.C.Krishna Rao

Counsel for the Respondent No.11: Mr.N.Rammohan Rao

The Court made the following :

ORAL ORDER: (per Sri BRSR.J)

This writ petition is directed against the interlocutory order dated 22.9.2004

passed by the District Consumer Disputes Redressal Forum, Nellore whereunder and whereby the forum has appointed an Advocate Commissioner to verify the voters list and funds of the society in Andhra Bank and to conduct elections of the President and Executive Body. We are surprised that an order of such far reaching consequences could have been passed by the Forum headed by none other than a retired Senior Officer of the level of District Judge.

Respondents 5 & 6 in this writ petition claiming themselves to be the members of the Nellore District Rice Millers Association filed CD No.149 of 2004 with the following prayers.

A. To render Accounts of the petitioners society to the petitioners by giving access to the books of the society duly maintained by them to ascertain the true facts of the Association in respect of its expenditure and balance held in the name of the society.

B. To direct the Respondents to pay compensation of Rs.10,000/- towards the damages as the complainants sufferd mental agony and economic loss

C. For costs of Rs.4,000/- and

D. For such other and further reliefs which are just and necessary in the interest of justice."

In the complaint, it is inter alia alleged that the General Body of the Society, which is now consisting of 92 members elected an Executive Body in the elections held on 9.6.2003 headed by one Kancharla Raveendra Naidu as its President and one K.V.Satyanarayana as its Vice President and respondents 2 to 4 in CD No.149 of 2004 as the Executive Members of the Society. The election of the Executive Body held on 9.6.2003 was informed to the Registrar of the Societies at Nellore and obtained Certified Copies from him. That on 31.7.2004, the President of the society died and consequently the elected members were not functioning properly and failed to discharge their duties and render services to the members of the society. It is under those circumstances, the complaint has been filed with the prayer noted supra. In the said CD, respondents 5 and 6 in this writ petition filed IA NO.218 of 2004 with a prayer to appoint an Advocate Commissioner to verify the voters list and funds of the society and to conduct elections for the election of President and

Executive Body to the society and the said application has been ordered. In the main CD, there is no prayer seeking to conduct elections.

Sri P.V.Krishnaiah, learned counsel for the petitioner contends that the CD itself is not maintainable in law and the proceedings initiated by respondents 5 and 6 in this writ petition is nothing but abuse of process of law and the Consumer Disputes Redressal Forum. It is further submitted that the impugned order is perverse in its nature, which travels much beyond the scope of the very CD. Sri Krishna Reddy, learned counsel for respondents 5 and 6 made an attempt to support the order.

The impugned order, in our considered opinion, is vitiated by non- application of mind by the Forum. We have grave doubts as to whether such a relief at all could have been granted even in the main case even had there been any such request. The interlocutory order has created an irreversible situation which has the potential of working out for itself without there being any thing left for adjudication in the main case. It is very well settled and needs no restatement at our hands that such an interlocutory orders of far reaching consequences, which create an irreversible situation cannot be passed by any Tribunal or Forum or for that matter even by the Court. The order is liable to be set aside on that ground alone and it is accordingly set aside.

The writ petition is accordingly allowed. The impugned order is quashed. Let a writ of Certiorari be issued.

(B.SUDERSHAN REDDY,J)

dated 30..03..2005

(C.V.RAMULU,J)

Rule nisi has been made absolute. Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the thirtieth day of July, Two Thousand and Four.

To

1. The President/Incharge President, District Consumer Redressal

Forum at Nellore,
2. G. Dayakar, Advocate/Commissioner & Election Officer,
Nellore District Rice Millers Assn. 3/377, Laxmipuram, Nellore,

Nellore District.
3. The A.P. State Consumer Dispute Redressal Commission,

Hyderabad.
4. The Principal Secretary, State of A.P,
Civil Supplies Department, Secretariat, Hyderabad.
5. The Branch Manager,
The Andhra Bank Ltd, Stonehouse Peta Branch, Nellore.
6. The District Registrar of Assurances, Nellore, Nellore District.

7. 2 CCs to the Government Pleader for Civil Supplies, High Court of

A.P. Hyderabad

8. 2 CD copies.